

AMENDED IN SENATE MARCH 22, 2004

SENATE BILL

No. 1364

Introduced by Senator Chesbro

February 18, 2004

An act to amend Sections 4521, 4535, and 4547 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1364, as amended, Chesbro. Developmental disabilities.

Existing law, the Lanterman Developmental Disabilities Services Act, establishes the State Council on Developmental Disabilities with 29 voting members, who, among other qualifications, are persons with developmental disabilities or parents, siblings, guardians, or conservators of these persons.

This bill would revise the qualification of members appointed to the council ~~to substitute~~, *including, but not limited to, substituting "immediate relatives" for "sibling"* ~~"sibling"~~ *"sibling,"* would revise the qualifications of the chair and vice chair; and would make conforming changes.

Existing law establishes the Area Boards on Developmental Disabilities and sets forth their membership and duties, including to protect and advocate the rights of all persons in the area with developmental disabilities.

This bill would make a technical change regarding appointment of an area board chairperson.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4521 of the Welfare and Institutions Code is amended to read:

4521. (a) All references to “state council” in this part shall be a reference to the State Council on Developmental Disabilities.

(b) There shall be 29 voting members on the state council appointed by the Governor, as follows:

(1) One member from each of the 13 area boards on developmental disabilities described in Article 6 (commencing with Section 4543), nominated by the area board to serve as a council member, who shall be persons with a developmental disability, as defined in Section 15002(8) of Title 42 of the United States Code, or parents or guardians of minors with developmental disabilities or conservators of adults with developmental disabilities residing in California. Five of these members shall be persons with a developmental disability, as defined in Section 15002(8) of Title 42 of the United States Code, three shall be parents, immediate relatives, guardians, or conservators of persons with developmental disabilities, and five shall be either a person with a developmental disability or a parent, immediate relatives, guardian, or conservator of a person with a developmental disability. The nominee from each area board shall be an area board member who was appointed by the Governor.

(2) Ten members of the council shall include the following:

(A) The Secretary of the California Health and Human Services Agency, or his or her designee, who shall represent the agency and the state agency that administers funds under Title XIX of the Social Security Act for people with developmental disabilities.

(B) The Director of Developmental Services or his or her chief deputy.

(C) The Director of Rehabilitation or his or her chief deputy.

(D) The Superintendent of Public Instruction or his or her designee.

(E) A representative from a nongovernmental agency or group concerned with the provision of services to persons with developmental disabilities.

(F) One representative from each of the two university centers for excellence in the state, pursuant to 42 U.S.C. Section 15061 et

1 seq., providing training in the field of developmental services.
2 These individuals shall have expertise in the field of
3 developmental disabilities.

4 (G) The Director of Health Services or his or her chief deputy.

5 (H) A member of the board of directors of the agency
6 established in California to fulfill the requirements and assurance
7 of Section 142 of the Developmental Disabilities Act of 1984 for
8 a system to protect and advocate the rights of persons with
9 developmental disabilities.

10 (I) The Director of Aging or his or her chief deputy.

11 (3) Six members at large, appointed by the Governor, as
12 follows:

13 (A) Two shall be persons with developmental disabilities, as
14 defined in Section 15002(8) of Title 42 of the United States Code.

15 (B) One shall be a person who is a parent, immediate relative,
16 guardian, or conservator of a resident of a developmental center.

17 (C) One shall be a person who is a parent, immediate relative,
18 guardian, or conservator of a person with a developmental
19 disability living in the community.

20 (D) One shall be a person who is a parent, immediate relative,
21 guardian, or conservator of a person with a developmental
22 disability living in the community, nominated by the Speaker of
23 the Assembly.

24 (E) One shall be a person with developmental disabilities, as
25 defined in Section 15002(8) of Title 42 of the United States Code,
26 nominated by the Senate Committee on Rules.

27 (c) Prior to appointing the 29 members pursuant to this section,
28 the Governor shall request and consider recommendations from
29 organizations representing, or providing services to, or both,
30 persons with developmental disabilities, and shall take into
31 account socioeconomic, ethnic, and geographic considerations of
32 the state.

33 (d) The term of each member described in ~~paragraphs (1) and~~
34 ~~(2) of paragraph (1) of, subparagraphs (E) and (H) of paragraph~~
35 ~~(2) of, and paragraph (3) of, subdivision (b)~~ shall be for three
36 years; provided, however, of the members first appointed by the
37 Governor pursuant to paragraph (1) of subdivision (b), five shall
38 hold office for three years, four shall hold office for two years, and
39 four shall hold office for one year. In no event shall any member
40 described in *paragraph (1) of, subparagraphs (E) and (H) of*

1 *paragraph (2) of, and paragraph (3) of,* subdivision (b) serve for
2 more than a total of six years of service. Service by any individual
3 on any state council on developmental disabilities existing on and
4 after January 1, 2003, shall be included in determining the total
5 length of service.

6 (e) Members appointed to the state council prior to June 1,
7 2002, shall continue to serve until the term to which they were
8 appointed expires. Members appointed on June 1, 2002, or
9 thereafter shall have their terms expire on January 1, 2003.

10 (f) Notwithstanding subdivision (c) of Section 4546, members
11 described in subdivision (b) shall continue to serve on the area
12 board following the expiration of their term on the area board until
13 their term on the state council has expired.

14 (g) A member may continue to serve following the expiration
15 of his or her term until the Governor appoints that member's
16 successor. The state council shall notify the Governor regarding
17 membership requirements of the council and shall notify the
18 Governor at least 60 days before a member's term expires, and
19 when a vacancy on the council remains unfilled for more than 60
20 days.

21 SEC. 2. *Section 4535 of the Welfare and Institutions Code is*
22 *amended to read:*

23 4535. (a) The state council shall meet at least six times each
24 year, and, on call of its chairperson, as often as necessary to fulfill
25 its duties. All meetings and records of the state council shall be
26 open to the public.

27 (b) The state council shall, by majority vote of the voting
28 members, elect its own chairperson and vice chairperson who shall
29 have full voting rights on all state council actions, from among the
30 appointed members, described in paragraph (1); *or* (3); ~~or (4)~~ of
31 subdivision (b) of Section 4521, and shall establish any
32 committees it deems necessary or desirable. The chairperson shall
33 appoint all members of committees of the state council. The chairs
34 and vice chairs of the state council and its standing committees
35 shall be individuals with a developmental disability, or the parent,
36 sibling, guardian, or conservator of an individual with a
37 developmental disability.

38 (c) The state council may appoint technical advisory
39 consultants and may establish committees composed of
40 professional persons serving persons with developmental

1 disabilities as necessary for technical assistance. The state council
2 may call upon representatives of all agencies receiving state or
3 federal funds for assistance and information, and shall invite
4 persons with developmental disabilities, their parents, guardians,
5 or conservators, professionals, or members of the general public
6 to participate on state council committees, when appropriate.

7 (d) When convening any task force or advisory group, the state
8 council shall make its best effort to ensure representation by
9 consumers and family members representing the state's
10 multicultural diversity.

11 *SEC. 3.* Section 4547 of the Welfare and Institutions Code is
12 amended to read:

13 4547. (a) Each area board shall meet at least quarterly, and on
14 call of the board chairperson, as often as necessary to fulfill its
15 duties. All meetings and records of the area board shall be open to
16 the public.

17 (b) (1) Each area board shall, by majority vote of the voting
18 members, elect its own chairperson from among the appointed
19 members who are persons with developmental disabilities, or
20 parents, immediate relatives, guardians, or conservators of these
21 persons, and shall establish any committees it deems necessary or
22 desirable. The board chairperson shall appoint all members of
23 committees of the area board.

24 (2) An area board may call upon representatives of all agencies
25 receiving state funds, for assistance and information, and shall
26 invite persons with developmental disabilities, their parents,
27 immediate relatives, guardians, or conservators, professionals, or
28 members of the general public to participate on area board
29 committees.

30 (3) When convening any task force or advisory group, the area
31 board shall make its best effort to ensure representation by
32 consumers and family members representing the community's
33 multicultural diversity.

